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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of: Thong, et al

Application No.: 10/017,998

Group No.: 3762

Filed: December 13, 2001

Examiner: Layno, Carl Hernandez

Title: APPARATUS FOR TREATING FIBRILLATION OF AT LEAST ONE CHAMBER OF A HEART

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Enclosed please find the following:

1. Request for Reconsideration of Patent Term Adjustment Indicated in Notice of Allowance
2. Statement of the Correct Patent Term Adjustment
3. Check in the amount of \$200.00
4. Acknowledgment of Receipt Return Card

08/19/2004 LWONDIM2 00000067 10017998

01 FC:1455 200.00 0P

Docket No.: 117163.00033

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 8-17-2004

David J. Muzilla

(Type or print name of person mailing paper)

(Signature of person mailing paper)

08/19/2004 LWONDIM2 00000067 10017998



Practitioner's Docket No. 117163.00033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thong, et al

Application No.: 10/017,998

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For: APPARATUS FOR TREATING FIBRILLATION OF AT LEAST ONE CHAMBER OF A HEART

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P.O. Box 1450  
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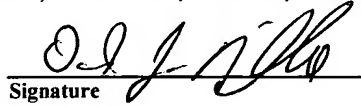
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
INDICATED IN NOTICE OF ALLOWANCE  
(37 C.F.R. § 1.705)

1. This request for reconsideration of the patent term adjustment indicated in the Notice of Allowance mailed on June 23, 2004.
2. Applicant submits herewith a "Statement of the Correct Patent Term Adjustment:  
Basis(es) Under § 1.702 For the Adjustment—Part B." (37 C.F.R. § 1.705(b)(2)(i) and (ii)).
3. Any patent granted on this application (37 C.F.R. § 1.705(b)(2)(iii)) is not subject to a terminal disclaimer.
4. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as

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CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope with sufficient postage as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature

Date: 8-17-2004

David J. Muzilla

(type or print name of person certifying)

set forth in § 1.704 (37 C.F.R. § 1.705(b)(2)(iv)) there were three (3) days (37 C.F.R. § 1.705(b)(2)(iv)(B)).

5. The fee set forth in § 1.18(e) (\$200.00), required by 37 C.F.R. § 1.705(b)(1), is paid as follows:

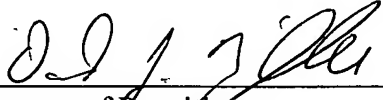
Attached is a check in the amount of \$200.00.

Charge any additional fees required by this paper to Deposit Account No. 15-0450.

\* Given the circumstances of this request, Applicant respectfully requests a full refund of \*  
the fee for this request. Please credit such refund to Deposit Account No. 15-0450.

Date: 8-17-2004

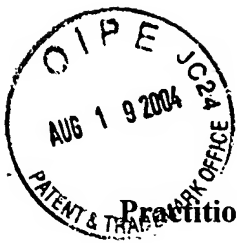
Reg. No.: 50,914  
Tel. No.: 330-864-5550  
Customer No.: 021324

  
\_\_\_\_\_  
Signature of Practitioner

David J. Muzilla  
Hahn Loeser & Parks LLP  
Twin Oaks Estate  
1225 West Market Street  
Akron, OH 44313-7188  
USA

Attached hereto is/are:

Statement of the Correct Patent Term Adjustment: Basis(es) Under § 1.702 For the Adjustment." (37 C.F.R. § 1.705(b)(2)(i) and (ii))—Part B.



Patitioner's Docket No. 117163.00033

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Thong, et al

Application No.: 10/017,998

Group No.: 3762

Filed: December 13, 2001

Examiner: Layno, Car Hernandez

For: APPARATUS FOR TREATING FIBRILLATION OF AT LEAST ONE CHAMBER OF A HEART

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**Statement of the Correct Patent Term Adjustment:  
Basis(es) Under § 1.702 For the Adjustment (37 C.F.R. § 1.705(b)(2)(i) and (ii))**

1. This statement is being submitted in support of the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE" to which this statement is attached.

**37 C.F.R. § 1.705(b)(2)(i)**

2. The patent term adjustment shown on the Notice of Allowance is three hundred twenty-six (326) days.

Three hundred fifty four (354) days were charged against the USPTO and 28 days were charged against the applicant.

Applicant asserts that it is correct to charge the 354 days against the USPTO but it is not correct to charge 28 days against the applicant.

It is respectfully suggested that the correct patent term adjustment under § 1.702 is three hundred fifty-one (351) days, since only three (3) days should be charged against the applicant.

**37 C.F.R. § 1.705(b)(2)(ii)**

**3. The basis(es) on which applicant seeks adjustment are as follows:**

Adjustment should be made to the time period erroneously characterized as Applicant delay beginning April 28, 2002 and ending May 23, 2002.

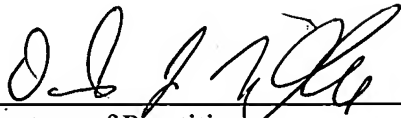
37 CFR 1.704 (b) states, "With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

**Basis:** The application was not considered complete by the Office for a total of twenty-five (25) days from the end of the three-month period (i.e., April 28, 2002), bringing the total amount of patent term adjustment to three hundred twenty-six (326) days, according to the Office (**see attached patent term adjustment history**). However, the missing parts were received in the United States Patent and Trademark Office on March 14, 2002 (along with an Assignment, an IDS, a preliminary amendment, a certified copy of German application, a clean copy of the specification, and a verified translation), within the 2-month period for reply as set by the Office and well within the 3-month period applicable for measuring patent term adjustment (**see attached transmittal sheet with the March 14, 2002 stamped date**). According to the Patent Term Adjustment History in PAIR, it appears that the missing parts were received by the Office on March 14, 2002. Applicant respectfully submits that it was improper for the Office to subtract these twenty-five (25) days from the patent term adjustment and that the correct amount of patent term adjustment should be given as three hundred fifty-one (351) days (i.e., 354 days – 3 days).

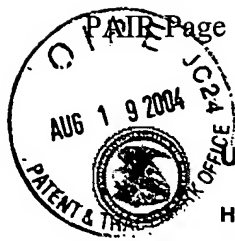
Respectfully submitted,

Date: 2-17-2004

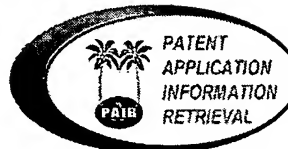
Reg. No.: 50,914  
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Signature of Practitioner

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Patent Term Adjustment (PTA) for publication number: 10/017,998			
			Days
Filing or 371(c) Date:	12-13-2001	USPTO Delay (PTO):	354
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	28
Post-Issue Petitions (days):	+0	Total PTA:	326
USPTO Adjustment (days):	+0	Explanation of Calculations	

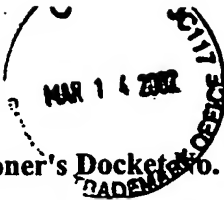
## Search Options

Assignments
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File History
Publication Review
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
06-23-2004	Mail Notice of Allowance		
06-22-2004	Issue Revision Completed		
06-22-2004	Notice of Allowance Data Verification Completed		
06-22-2004	Notice of Allowability		
05-26-2004	IFW TSS Processing by Tech Center Complete		
05-26-2004	Date Forwarded to Examiner		
05-05-2004	Response after Non-Final Action		3
05-05-2004	Workflow incoming amendment IFW		↑
02-02-2004	Mail Non-Final Rejection	354	↑
01-29-2004	Non-Final Rejection	↑	
10-14-2003	Information Disclosure Statement (IDS) Filed	↑	
08-25-2002	Receipt of all Acknowledgement Letters	↑	
03-14-2002	Request for Foreign Priority (Priority Papers May Be Included)	↑	
03-14-2002	Information Disclosure Statement (IDS) Filed	↑	
03-14-2002	Preliminary Amendment	↑	
07-19-2002	Case Docketed to Examiner in GAU	↑	
06-18-2002	Application Dispatched from OIPE	↑	
05-23-2002	Application Is Now Complete	↑	25
03-14-2002	Payment of additional filing fee/Preexam	↑	↑
03-14-2002	Translation of Claims into English	↑	↑
03-14-2002	Translation of Specification into English	↑	↑

01-11-2002	Referred by L&R for Third-Level Security Review. Agency Referral Letter Generated	↑	↑
01-28-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
01-10-2002	IFW Scan & PACR Auto Security Review	↑	
12-27-2001	IFW Scan & PACR Auto Security Review	↑	
12-13-2001	Initial Exam Team nn	↑	





Practitioner's Docket No. 7163-33

#BMH  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Thong, et al

Application No.: 10/017,998

Group No.: Unknown

Filed: December 13, 2001

Examiner: Unknown

For: APPARATUS FOR TREATING FIBRILLATION OF AT LEAST ONE CHAMBER OF THE HEART

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS  
— NONPROVISIONAL APPLICATION

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed January 28, 2002.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

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with sufficient postage as first class mail.

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☐ as "Express Mail Post Office to Addressee" Mailing Label  
No. \_\_\_\_\_

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, 703 \_\_\_\_\_

Date: 4 March 2002

Signature

Stephen L. Grant

Type or print

name of person certifying

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

